

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

MARY SAUCEDO,
MAUREEN P. HEARD, and
THOMAS FITZPATRICK, D.B.A.

Plaintiffs,

v.

WILLIAM M. GARDNER, Secretary of
State of the State of New Hampshire, in his
official capacity, and THE SECRETARY
OF STATE'S OFFICE OF THE STATE
OF NEW HAMPSHIRE,

Defendants.

Civil Case. No. 1:17-cv-183

PLAINTIFFS' INITIAL DISCLOSURES
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)

Plaintiffs Mary Saucedo, Maureen P. Heard, and Thomas Fitzpatrick, by and through their attorneys, respectfully submit their initial disclosures in this action pursuant to Federal Rule of Civil Procedure 26(a)(1). The list is based on information reasonably available to Plaintiffs in their investigation to date. Plaintiffs reserve the right to amend, supplement, or modify these disclosures in future discovery responses, as required by Federal Rule of Civil Procedure 26(e).

I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT PLAINTIFFS MAY USE TO SUPPORT THEIR CLAIMS

Pursuant to Rule 26(a)(1)(A)(i), Plaintiffs state that the individuals listed below are likely to have discoverable information that Plaintiffs may use to support their claims or defenses in this case. The list is based on information reasonably available to Plaintiffs based on their investigation to date. This investigation is ongoing, and additional individuals and entities likely to have discoverable information may be identified, especially after receiving discovery responses from the Defendants and third parties. Where applicable, Plaintiffs have indicated the relevant issue or

issues about which the witnesses may have knowledge. Because Plaintiffs' continuing investigation may reveal additional issues about which the witnesses may have knowledge, Plaintiffs explicitly reserve the right to seek information from the witnesses during discovery or at trial about issues beyond those indicated herein.

1. Plaintiffs Likely to Have Discoverable Information

Plaintiffs are likely to have discoverable information related to the application, completion and submission of an absentee ballot in the 2016 general election. Counsel for Plaintiffs represent the individuals listed below. Plaintiffs therefore state that any contact with such persons must be directed to undersigned counsel for Plaintiffs.

- a. Mary Saucedo
1250 Belmont Street
Manchester, NH 03104
603-644-2324
- b. Maureen P. Heard
52 Windham Road
Derry, NH 03038
603-216-1886
- c. Thomas Fitzpatrick
8 Victor Huckins Road
New Hampton, NH 03256
603-968-9466

2. Defendants Likely to Have Discoverable Information

It is expected that Secretary of State William M. Gardner and his agents and employees will have discoverable information related to administering New Hampshire elections laws—including the rules, procedures, and processes for distributing and canvassing absentee ballots—as well as enforcement of RSA 659:50, III.

- a. Secretary of State William Gardner
State House, Room 204
Concord, NH 03301

3. *Other Officials Likely to Have Discoverable Information*

It is expected that present and former election administrators, including municipal and town moderators and clerks, will have discoverable information related to the rules, procedures, and processes for distributing and canvassing absentee ballots, and the distribution of election materials and review of voted absentee ballots, as well as enforcement of RSA 659:50, III.

4. *Other Third-Party Witnesses Likely to Have Discoverable Information*

It is likely that Augustine Saucedo will have information related to assisting his wife, Plaintiff Mary Saucedo, with her absentee ballot application, ballot, and/or ballot envelope.

- a. Augustine Saucedo (to be contacted through Plaintiffs' counsel)
1250 Belmont Street
Manchester, NH 03104
603-644-2324

II. DESCRIPTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND TANGIBLE THINGS WITHIN PLAINTIFFS' POSSESSION, CUSTODY, OR CONTROL THAT PLAINTIFFS MAY USE TO SUPPORT THEIR CLAIMS

Pursuant to Rule 26(a)(1)(A)(ii), the following is a description by category and location of documents, electronically stored information, and tangible things that Plaintiffs have in their possession, custody, or control and may use to support their claims or defenses. The list is based on information reasonably available to Plaintiffs in their investigation to date. Plaintiffs' investigation is ongoing and additional documents, electronically stored information, and tangible things may be identified. Plaintiffs reserve the right to supplement or amend these disclosures as further information becomes available.

1. *Plaintiff Mary Saucedo*: None.
2. *Plaintiff Maureen P. Heard*: None that she is currently aware of.
3. *Plaintiff Thomas Fitzpatrick*: None.

III. DAMAGES

Pursuant to Rule 26(a)(1)(A)(iii), Plaintiffs state that they are not seeking monetary damages. As set forth in the Complaint, Plaintiffs seek declaratory and injunctive relief from the Court, as well as any costs, disbursements, reasonable attorney fees, and reasonable expert fees, pursuant to 42 U.S.C. § 1988(b), and all other relief the Court deems proper. At the appropriate time, Plaintiffs will present evidence of their costs, disbursements, expert fees, and attorney fees expended in pursuing this action.

IV. INSURANCE AGREEMENTS

Plaintiffs are currently unaware of any insurance policy under which any person and/or insurance business may be liable to satisfy all or part of any judgment which may be entered in this action.

Dated this 21th day of August, 2017.

Respectfully submitted,

/s/ Julie A. Ebenstein
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** appearing pursuant to Local Rule 12.01(F)*

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, Julie A. Ebenstein, hereby certify that on August 21, 2017, I served **Plaintiffs' Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1)** via email to all named parties below:

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Kenneth.sansone@doj.nh.gov
Brian.buonomano@doj.nh.gov

ATTORNEYS FOR DEFENDANTS

Respectfully Submitted,

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